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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/621,057	07/16/2003	Hsiao Ming Kuo	LA-7455-102	8817

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EXAMINER

PIZIALI, JEFFREY J

ART UNIT	PAPER NUMBER
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2673

DATE MAILED: 03/14/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/621,057	Applicant(s) KUO, HSIAO MING	
	Examiner Jeff Piziali	Art Unit 2673	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 December 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 December 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Priority

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Drawings

2. The drawings were received on 22 December 2005. These drawings are acceptable.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1-9 are rejected under 35 U.S.C. 102(e) as being anticipated by Sasselli et al (US 6,411,281 B1).

Regarding claim 1, Sasselli discloses a housing assembly of a computer mouse [Fig. 1; 10], comprising: a base [Fig. 1; 20]; a housing [Fig. 1; 18] adapted to be coupled to the base from the bottom of the housing so as to form a space in-between for receiving electronic components [Fig. 5; 52], the housing being formed with a battery compartment [Fig. 1; 24] for receiving at least one battery [Fig. 1; 22] as a power source to the computer mouse and a locking portion

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[Fig. 1; 30, 32], and a cover formed with at least a front piece [Fig. 1; 12, 14, 16], an actuating piece [Fig. 1; 26], and a rear piece [Fig. 3; 40] which are coupled atop to the housing respectively, wherein the rear piece is formed with a locking member [Fig. 3; 40] for being locked with the locking portion of the housing in a locking state and wherein the actuating piece is provided with an actuating member [Fig. 1; 26, 34] such that when the actuating piece is downwardly pushed by an external force, the actuating member is capable of releasing the locking state between the locking portion of the housing and the locking member of the rear piece, and the rear piece is detached from the housing to expose the battery compartment for replacement of the at least one battery (see Column 2, Lines 30-67).

Regarding claim 2, Sasselli discloses the locking portion of the housing is formed with a locking hole [Fig. 7; 62], a coupling hole [Figs. 1-3; 28], and a downward protrusion [Fig. 3; 38] associated with the coupling hole (see Column 3, Lines 40-43).

Regarding claim 3, Sasselli discloses the actuating member of the actuating piece is inserted into the locking hole of the locking portion of the housing for connecting the actuating piece with the housing (see Column 2, Lines 30-67).

Regarding claim 4, Sasselli discloses the locking member of the rear piece is coupled to the coupling hole of the locking portion of the housing and formed with an extending portion [Fig. 3; at 40] that is adapted to be engaged with the downward protrusion of the housing to lock

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the locking portion of the housing with the locking member of the rear piece (see Column 2, Lines 30-67).

Regarding claim 5, Sasselli discloses the extending portion of the locking member, coupled to the coupling hole of the housing, is formed with a groove [Fig. 3; at 40] corresponding in position to the actuating member of the actuating piece inserted into the locking hole of the housing (see Column 2, Lines 30-67).

Regarding claim 6, Sasselli discloses when the actuating piece is downwardly pushed by the external force, the actuating member of the actuating piece is moved downwardly through the locking hole to press on the groove of the locking member of the rear piece, so as to deform [inherent to operation] the extending portion of the locking member and release the engagement between the extending portion and the downward protrusion of the housing, thereby making the locking member of the rear piece detached from the locking portion of the housing (see Column 2, Lines 30-67 and Column 3, Lines 40-43).

Regarding claim 7, Sasselli discloses the housing further comprises a protruded portion [Fig. 5; 60] connected with the locking portion, the protruded portion covering the space where the electronic components are received to prevent the electronic components from being exposed (see Column 3, Lines 6-35).

Regarding claim 8, Sasselli discloses the front piece has at least one hole [Fig. 1; at 16] that is coupled to at least one coupling pillar [Fig. 5; to the left of 50] formed on the housing to thereby connect the front piece with the housing (see Column 2, Lines 30-36 and Column 3, Lines 6-13).

Regarding claim 9, Sasselli discloses the actuating piece further comprises at least one pillar [Fig. 1; 34] that is coupled to at least one hole [Fig. 7; 62] formed in the locking portion of the housing for attaching the actuating piece to the housing (see Column 2, Lines 45-67 and Column 3, Lines 6-13).

Response to Arguments

5. Applicant's arguments filed 22 December 2005 have been fully considered but they are not persuasive. The applicant contends the cited prior art of Sasselli et al (US 6,411,281 B1) teaches, *"an entirely different mode of action from that called for in claims 1-9 where pressure on the cover, and in particular the actuating piece, detaches the rear piece from the housing"* (see Page 7, 2nd paragraph from the Arguments submitted 22 December 2005). However, the examiner must respectfully disagree. Sasselli clearly discloses that pressure exerted upon the actuating piece [Figs. 1-3; 26] results in the rear piece [Fig. 3; 40] detaching from the housing [Fig. 1; 18] (see Column 2, Lines 30-67). The applicant goes on to argue Sasselli, *"teaches a completely different mechanism and mode of action than those called for in the claims"* (see Page 7, 2nd paragraph from the Arguments submitted 22 December 2005). However, no further details are provided of explicit instantly claimed subject matter being nonexistent in Sasselli.

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Instead, the applicant seems to be arguing that the instant specification and figures somehow differ from Sasselli's invention. The applicant is respectfully reminded that while Sasselli's mouse may well differ significantly in form and operation from the instant invention as described in the pending specification, limitations from the specification are not automatically read into the claims. It remains the examiner's humble position that one having ordinary skill in the art would find Sasselli's invention to fully read upon the present claim language.

In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., *"the cover [Fig. 1; 26] of Sasselli et al. is just a single component"* [see Page 6, 2nd to last paragraph from the Arguments submitted 22 December 2005], *"Sasselli et al. fails to disclose the structure of the locking portion [Fig. 1; 110] described in various embodiments of the present invention... the design of the locking portion [Fig. 1; 110] allows the rear piece [Fig. 1; 122] to be easily detached... thereby making the battery replacement easy to operate"* [see Page 7, 3rd paragraph from the Arguments submitted 22 December 2005]) are not recited in the rejected claims. Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

By such reasoning, rejection of the claims is deemed necessary, proper, and thereby maintained at this time.

Conclusion

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jeff Piziali whose telephone number is (571) 272-7678. The examiner can normally be reached on Monday - Friday (6:30AM - 3PM).


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bipin Shalwala can be reached on (571) 272-7681. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



J.P.

8 March 2006



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